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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,550	02/07/2002	Martin A. Allen	NOR / 1034	3458

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EXAMINER

DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/072,550

Applicant(s)

ALLEN, MARTIN A.

Examiner

Joseph S. Del Sole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 40-54 is/are pending in the application.
- 4a) Of the above claim(s) 40-54 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 6-14 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 2-5 and 15-23 is/are objected to.
- 8) ☒ Claim(s) 1-23 and 40-54 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/24/03
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_

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## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-23, drawn to an apparatus, classified in class 425, subclass 72.2.
  - II. Claims 40-54, drawn to a method, classified in class 264, subclass 176.1.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process such as one in which the ratio of air flow velocity in the machine direction is fixed relative to the air flow velocity in the cross-machine direction.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mr. William Allen on 3/15/04 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-23.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 40-54 are withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

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***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "50" as discussed at page 16, line 7 of the spec; "57" as discussed at page 20, line 8; "59" as discussed at page 20, line 11. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

6. The disclosure is objected to because of the following informalities: **a)** at page 16, line 17 "and filed Dec. 28, 2000," should be changed --filed Dec. 28, 2000 and now US6,499,980,--; and **b)** at page 20, line 13 "air handlers 51, 56," should be changed to -air handlers 52, 56,--.

Appropriate correction is required.

***Claim Objections***

7. Claims 2-5 and 15-23 are objected to because of the following informalities: **a)** at both claim 2, line 3 and claim 3, line 2 "said aperture" should be changed to --said slot-- because this better matches the terminology introduced in claim 1, line 11; **b)** at claim 15, line 8 "upstream of the second air handler" should be changed to --upstream of the first air handler-- because it is clear that a second air handler cannot be upstream of itself; **c)** at claim 20, lines 15-17 "an entrance opening downstream of the intake opening, and an exit opening upstream of the intake opening" should be changed to --an entrance opening upstream of the intake opening, and an exit opening downstream

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of the intake opening-- because it correctly sets forth the relationship discussed in the specification; **d)** at claim 22, line 2 "member positioned downstream of said intake opening," should be changed to --member positioned upstream of said intake opening,-- because it correctly sets forth the relationship discussed in the specification; and **e)** at claim 23, line 2 "member positioned upstream of said intake opening," should be changed to --member positioned downstream of said intake opening,-- because it correctly sets forth the relationship discussed in the specification. Appropriate correction is required.

### ***Conclusion***

8. This application is in condition for allowance except for the following formal matters:

The objections to the drawings, specification and claims as discussed above must be addressed and corrected.

Furthermore, this application contains claims 40-54 drawn to an invention nonelected. A complete reply to this must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### ***Allowable Subject Matter***

9. Claims 1 and 6-14 are allowed.

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10. Claims 2-5 and 15-23 are objected to for the above stated informalities, but would be allowable if the informalities are addressed.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest an air handler having an inner housing and an outer housing which further includes either **a)** a first adjustable flow control device for controlling the flow of air between the first and second interior spaces of the inner housing or **b)** an air directing member positioned outside the first interior space and extending in a cross-machine direction and dividing the intake opening into first and second portions; and further fails to teach an apparatus having a forming chamber with a perforated metering sheet such that the forming chamber partially surrounds the intake opening of an air handler and the outlet of a filament drawing device such that a collector can traverse the process space.

#### ***References of Interest***

12. Jespersen (3,748,693), Carpenter et al (2,933,152), Forry et al (4,432,714), Lau (4,526,733), McDonald (5,984,990) and Allen et al (6,499,982) are cited of interest to show the state of the art.

#### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

*Joseph Steel Ste*

J.S.D.

March 18, 2004

  
ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300-1200

*3/22/04*